

REMARKS

Claims 1, 3, 4 and 6 (as amended) are pending. Claims 2 and 5 have been cancelled (without prejudice) in view of amendments to claim 1 making claims 2 and 5 redundant. No new matter has been introduced.

Anticipation Rejection of Claims 1-4 under 35 USC § 102(b)

Claims 1-4 are rejected under 35 USC § 102(b) as being anticipated by U.S. Pub. No. 2002/0142133 A1 to Matsunaga et al. (hereinafter "Matsunaga") for the reasons noted at pages 4-5 of the Office Action. In view of the cancellation of claim 2, Applicant's remarks apply to pending claims 1, 3 and 4.

To expedite prosecution, Applicant has amended claim 1 (and claims 3-4 depending therefrom) to recite (1) "a base material layer"; (2) "a coating resin layer formed on at least one surface of the base material layer"; (3) "wherein the base material layer and the coating resin layer each comprises" the features of the "light transmitting thermoplastic resin" together with a "light diffusing agent . . . in an amount of 0.2 to 10% by weight . . ."; and (4) "wherein the thickness of the coating resin layer is 20 to 200 μ m" as noted in the Listing of the Claims section of this paper. (Emphasis added.)

Support for the foregoing claim amendments is found in the specification at page 5, at paragraphs numbered "1." and "2." and at page 6, paragraph numbered "5." as well as at Example 1 at pages 23-24 of Applicant's specification originally filed. Support is also found in cancelled claims 2 and 5. Accordingly, no new matter is introduced.

Matsunaga does not disclose the combination of the above-noted features (1) – (4) to form a multi-layered "light diffusion plate" of a base material layer and a coating resin layer as recited in Applicant's rejected claims (as amended).

Moreover, the claimed invention is distinct from Matsunaga in containing a light diffusing agent in both of the base material layer and the coating resin layer. In Matsunaga, a light diffusing agent is contained in only the coating layer.

Also, the claimed invention is further distinct from Matsunaga in the thickness of the coating layer. The coating resin layer in the claimed invention has a thickness of from 20 to 200 μ m, whereas the thickness of the coating layer in Matsunaga is considerably smaller from 3 to 6 μ m (See paragraph [0030] of Matsunaga).

The position in the Office Action that the thickness feature (20 to 200 μm) recited in Applicant's claims is an obvious change in size (See paragraph 4 of the Office Action) is improper because it is a bare assertion without any support for such change disclosed in the cited reference.

As noted, Matsunaga refers to a thickness on the order of 3 to 6 μm . Matsunaga does not disclose a thickness of 20 to 200 μm as recited in Applicant's rejected claims. Also, even though the instant rejection is an anticipation rejection, Applicant notes that there is no reason provided in Matsunaga (or any of the cited secondary references as further noted below) as to why the thickness of Matsunaga (on the order of 3 to 6 μm) should be changed at all or increased to 20 to 200 μm . The assertion that it would have been obvious to change the thickness – is a bare assertion that is not based on any cited disclosure of the reference(s) applied.

In contrast however, Applicant's specification illustrates that a thickness on the order of 10 μm (of the coating layer) is unsuitable due to inadequate appearance and inadequate color tone. For example, Applicant's Comparative Example 6 (in Table 3 at page 34) illustrates that a thickness of the coating layer as small as 10 μm , much closer to the thickness in Matsunaga's device – is unsuitable because a coating layer of 10 μm thickness results in deteriorated appearance and color tone. See Applicant's specification at page 34, Table 3, entries corresponding to Applicant's Comparative Example 6.

For at least these reasons, Applicant respectfully submits that Matsunaga fails to anticipate Applicant's claimed invention (as amended) reciting the above-noted features (1) – (4) as noted. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 3 and 4 under 35 USC § 102(b) over Matsunaga.

First Obviousness Rejection Under 35 USC § 103(a)

Claim 5 has been rejected under 35 USC § 103(a) as being obvious in view of Matsunaga for the reasons noted at pages 5-6 of the Office Action. Due to Applicant's cancellation of claim 5, the issue of the rejection of claim 5 is now moot.

Second Obviousness Rejection Under 35 USC § 103(a)

Claim 6 has been rejected under 35 USC § 103(a) as being obvious over Matsunaga in view of U.S. Pat. No. 6,692,137 B2 to Blanchard (hereinafter "Blanchard") for the reasons noted at pages 6-7 of the Office Action.

Applicant notes that claim 6 incorporates the features of claim 1 (as amended). Thus, Applicant's prior remarks with respect to the patentability of claim 1 over Matsunaga apply equally to claim 6 as well. Accordingly, Applicant incorporates herein by reference his/her prior remarks regarding the deficiencies of Matsunaga without having to repeat the same and applies the same to claim 6.

Moreover, not only does Matsunaga not anticipate (or render obvious) the claimed invention of claim 1 (reciting the above-noted features (1) – (4)), but likewise, Matsunaga does not disclose, teach or suggest the combination of the above-noted features (1) – (4) – of claim 6 (as amended).

Furthermore, the Office Action cites Blanchard for the proposition that Blanchard discloses a "plurality of light sources" to assert (arguably) that it would have been obvious to incorporate the "direct type light" of Blanchard into the device of Matsunaga. While Applicant disagrees, Blanchard itself does not disclose, teach or suggest the combination of the above-noted features (1) – (4) of claim 6 (as amended). Also, the combination of Matsunaga and Blanchard do not disclose, teach or suggest the combination of the above-noted features (1) – (4) of claim 6 (as amended).

Also, referring to Fig. 3 of Blanchard, member 28 (of Blanchard) arguably (without admitting the same) has a function of concentrating interior light emitted from member 24 (of Blanchard). To do so, one would design member 28 (of Blanchard) to be as flat as possible. However, layer 4 of Matsunaga is designed to reflect light from the outside – i.e., provide an anti-glare film to reduce glare from external light. See Matsunaga at Fig. 1 thereof.

Thus, Matsunaga's structure does not require an interior light source and there is no reason that the Matsunaga structure should be retrofitted to incorporate an interior light source – such as that from Blanchard. In fact, Matsunaga designed layer 4 (see Matsunaga at Fig. 1 thereof) with its wavy convex-concave surface structure for its anti-glare properties.

Additionally, even if the inside light of Blanchard were combined with Matsunaga, Matsunaga's wavy surface structure (i.e, concave and convex topography of layer 4 shown in Figure 1 of Matsunaga) would be unsuitable (to form Applicant's claimed "light diffusion plate for the direct type backlight device" as recited in Applicant's rejected claims) because the wavy surface of Matsunaga would defeat the features of providing improved light transmittance, brilliancy, brightness, appearance and color tone (for which Applicant's claimed invention was designed).

To reiterate, the anti-glare film of Matsunaga is aimed at preventing/reducing the occurrence of whitening on an LCD screen by reflecting away external light impinging on an LCD device rather than aimed at directing light emanating from an internal direct light source behind an LCD screen. So, to provide the anti-glare film feature, Matsunaga designed and provided the convex and concave wavy surface structural features of the Matsunaga anti-glare film. See Matsunaga at Fig. 1 thereof and in particular to the wavy surface of layer 4. Also see claims 1 and 3 of Matsunaga.

In view of the foregoing, the primary reference (Matsunaga) and the secondary reference (Blanchard) are both directed to different technical fields (i.e., Matsunaga for providing an anti-glare film – to reduce glare from outside light – and so provided with a wavy surface not requiring an interior light source as that of Blanchard). Accordingly, there is no reason to incorporate the backlight of Blanchard into the structure of Matsunaga – as Matsunaga is directed to an anti-glare surface to reflect external light rather than to promoting the improved propagation of internal light from a direct light source.

There is also no reason to increase the thickness of Matsunaga's anti-glare film (from 3 to 6 μm) to 20 – 200 μm because Matsunaga does not need a thickness greater than 3 to 6 μm to achieve the anti-glare property. Certainly, there is no disclosure, teaching or suggestion to do so in the cited references to provide the combination of the above-noted features (1) – (4) recited in Applicant's rejected claims.

For at least these reasons, Applicant respectfully submits that claim 6 is not obvious over Matsunaga in view of Blanchard. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claim 6 under 35 USC § 103(a) over Matsunaga in view of Blanchard.

Conclusion

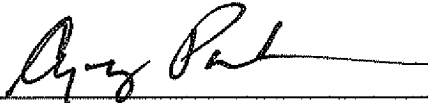
In view of the foregoing, the Applicant respectfully submits that this application is in condition for allowance. A written indication of the same is respectfully requested.

If the Examiner believes that personal communication with the undersigned attorney will expedite prosecution of this application, the Examiner is invited to contact the undersigned at the number indicated.

No fees are believed to be due. However, if any fees are required or an overpayment of fees made, please debit or credit our Deposit Account No. 19-3935, as needed.

Respectfully submitted,
STAAS & HALSEY LLP

Date: December 6, 2007

By: 
Ajay Pathak
Registration No. 38,266

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Direct: (202) 454-1594
Telephone: (202) 434-1500
Facsimile: (202) 434-1501